

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J & N REALTY CO. INC.	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 92-332
	)	
BLUE SKY SEWER SERVICE CO., INC.	)	
	)	
DEFENDANT	)	

O R D E R

J & N Realty Co., Inc. ("J & N Realty") has moved for an Order prohibiting Blue Sky Sewer Service Co., Inc. ("Blue Sky") from discontinuing its sewer services at 345 Blue Sky Parkway, Lexington, Kentucky. Blue Sky did not respond to the motion. Neither party requested a hearing on it.

Having considered the motion and being otherwise sufficiently advised, the Commission finds that:

1. J & N Realty is a customer of Blue Sky.
2. Blue Sky has billed J & N Realty for sewer services allegedly received since 1982.
3. J & N Realty disputes this billing and has initiated this action to resolve the dispute.
4. No evidence has been presented which shows that J & N Realty is failing to remain current for sewer services presently received.

5. Commission Regulation 807 KAR 5:006, Section 14(f), permits a utility to terminate service for nonpayment of charges.

6. Commission Regulation 807 KAR 5:006, Section 11, provides that, with respect to any billing dispute, customer accounts shall be considered to be current while the dispute is pending as long as the customer continues to make undisputed payments and stays current on subsequent bills.

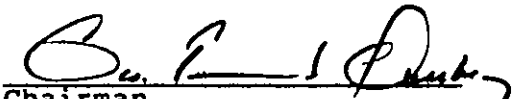
IT IS THEREFORE ORDERED that:

1. J & N Realty's motion is granted.

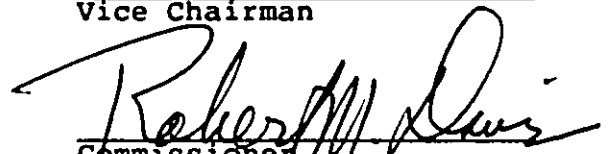
2. Blue Sky shall comply with the provisions of Commission Regulation 807 KAR 5:006, Sections 11 and 14. So long as J & N Realty remains current on bills for sewer service presently received and this matter is pending, Blue Sky shall continue to provide sewer service to J & N Realty and shall take no action to discontinue such service.

Done at Frankfort, Kentucky, this 8th day of September, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director